

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

BellaHavel Benotmae
Petitioner

VS

Joseph F. McDonough
- Sheriff of Plymouth County,
Department of Homeland Security
Respondent

04 • 10049 WGY

FILED
U.S. DISTRICT COURT
OFFICE

2004 JAN -8 A 11:09

MAGISTRATE JUDGE

DLM

U.S. DISTRICT COURT
DISTRICT OF MASS.

AMOUNT \$ 5

SUMMONS ISSUED *Not*

LOCAL RULE 4.1

WAIVER FORM

MCF ISSUED

AMOUNT \$ 5

1/9/04 F.O.M

Application for federal writ of habeas corpus
(under 28 U.S.C. 2241)

- I am presently confined at the Plymouth County Correctional facility
- The basis of my petition is about continued detention by the Department of Homeland Security.
- The DHS does not have authority to detain me indefinitely, thus my detention is unlawful.

This is because my removal cannot be completed in the near future. Zadvydas vs Davis 533 U.S 678 (2001)

(i) I was ordered deported November 04, 2002, I have given the DHS all the information they need in order to get my travel documents. Place of birth, date of birth, year I entered into the US finger and photos.

(i) I have requested to speak to my consulate all in vain.

- My detention is in violation of my rights

(i) After three months from the date of my final order, I receive a letter stating that my detention will be continued.

- I exhausted my administrative remedies by requesting for release from the deportation officer in Boston and the headquarters in Washington and thus my last option is this judicial action.

- I also believe that my ~~detention~~ is unlawful according to 8 C.F.R 2414.
- I do have a guardian who is willing to support me until I get back on my feet upon release.
- I will avail myself to the D.H.S anytime expected until my removal is imminent. I am willing to abide with all the conditions imposed on me upon release.

I declare under penalty of perjury that the foregoing is true and correct.

Date: 12-25-2003

Signature:

